

**REMARKS**

This Amendment responds to the Office Action mailed May 27, 2003 in the above-identified application. Based on the foregoing amendments and the following comments, reconsideration and allowance of the application are respectfully requested.

Claims 1-35 were previously pending in the application. Claims 1-27 and 30-35 have been withdrawn from consideration. Claims 28 and 29 have been amended, and new claims 36-47 have been added. No new matter has been added. Claims 28 and 29 are the elected independent claims. Claims 28 and 29 have been amended solely for clarification and not to distinguish over the prior art of record.

The Examiner has objected to the drawings, because the boxes in Figs. 2-6 must be labeled. Enclosed herewith are corrected drawings in which the boxes in Figs. 2-6 are labeled. Since the labels correspond to the specification, no new matter is added. Approval of the corrected drawings is respectfully requested.

The Examiner has objected to the specification because section headings must be provided. The specification has been amended to add section headings. In addition, the specification has been amended to cross-reference the parent application. Furthermore, the specification has been amended to correct a number of obvious errors. No new matter has been added. Accordingly, withdrawal of the objection to the specification is respectfully requested.

The Examiner has rejected claims 28 and 29 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that the phrase "traced out" is indefinite. Claims 28 and 29 have been amended to recite time stamp information "detected in" a payload signal. The amended claims are in full compliance with 35 U.S.C. §112, second paragraph, and withdrawal of the rejection is respectfully requested.

The Examiner asserts that Applicant's claim for priority has not been completed, since certified copies of the priority documents have not been received. The Examiner is advised that the present application is a continuation of International Application No. PCT/EP00/00990 filed February 8, 2000. The International application claims priority to European Application No. EP 99101695.7 filed February 8, 1999. Enclosed herewith for the Examiner's convenience is a copy of form PCT/IB/304 for International Application No. PCT/EP00/00990, which indicates that the

priority document was received by the International Bureau on March 28, 2000. The Examiner's attention is directed to PCT Rule 17.2(a) which provides that when "the applicant has complied with Rule 17.1(a) or (b), the International Bureau shall, at the specific request of the designated Office, promptly but not prior to the international publication of the international application, furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy." Accordingly, a copy of the priority document should be provided to the Examiner by the International Bureau. If the above is incorrect, the Examiner is requested to contact Applicant's undersigned attorney. Based upon the above, the Examiner is respectfully requested to obtain a copy of the priority document from the International Bureau according to the specified procedure and to acknowledge that the priority document has been received. Upon receipt of the priority document, the priority date of the subject application will be confirmed as February 8, 1999.

The Examiner has rejected claims 28 and 29 under 35 U.S.C. §102(e) as anticipated by Willrett (US 6,430,397). The Examiner has also rejected claims 28 and 29 under 35 U.S.C. §102(b) as anticipated by Gao et al. (US 5,548,533). The rejections are respectfully traversed.

It is respectfully submitted that Willrett is not available as prior art against the present application. As indicated above, the priority date of the present application is February 8, 1999. This date will be confirmed upon receipt of the priority document from the International Bureau as discussed above. By contrast, Willrett has a U.S. filing date of March 15, 1999. Accordingly, Applicant's priority date is earlier than the U.S. filing date of Willrett, and Willrett is not available as prior art under 35 U.S.C. §102(e). For these reasons, withdrawal of the rejection of claims 28 and 29 based on Willrett is respectfully requested.

The Gao patent discloses an overload control for a central processor in the switching network of a mobile communications system. Gao describes detection of overload of the central processor at col. 3, lines 28-44. Messages for new calls are placed in an origination queue and a time stamp of their arrival time is placed in the message. When the message is taken from the queue and processed, the current time stamp is compared to the time stamp stored in the message, and the queue delay is calculated. Thus, Gao describes a method for detection of a delay between message arrival time and message processing time.

By contrast, amended claim 28 is directed to apparatus for calculating the signal delay of a payload signal travelled through a communication channel, comprising a first receiving means for receiving a first time stamp information from a first processing means, wherein the first time stamp information was detected in a first payload signal suitable for being transmitted through the communication channel, second receiving means for receiving a second time stamp information from a second processing means, wherein the second time stamp information was detected in a second payload signal and wherein the second payload signal is delayed due to travelling through the communication channel, and calculating means for calculating the signal delay on the basis of the first time stamp information and the second time stamp information.

Applicant's claims relate to the ranging of a moving transponder, such as a satellite or an airplane. The claims are directed to apparatus and methods for calculating the signal delay and correspond to the circuits shown in Figs. 2-5. As shown by way of example in Fig. 2, processor 8 processes a first payload signal suitable for being transmitted through a communication channel. The first payload signal branches off to processor 8 before it is transmitted. A corresponding second processor 8' is provided on the receiver. The time delay may be determined by time measurement circuit 9 from a start signal produced by processor 8 and a stop signal produced by processor 8'. The first and second processors may be of identical structure to assure accurate time measurement.

Gao contains no disclosure whatever of first processing means which processes a first payload signal suitable for being transmitted through a communication channel to provide first time stamp information and no disclosure of second processing means which processes a second payload signal after travelling through the communication channel to provide second time stamp information. In Gao, the time when the message was received is compared with the time when the message is taken from a queue and processed to determine queue delay, which is the delay between message receipt and message processing. Gao contains no disclosure whatever of apparatus for calculating the signal delay of a signal travelling through a communication channel as claimed. The queue delay described by Gao is a delay within the central processor, not a delay through a communication channel as claimed. Accordingly, amended claim 28 is clearly and patentably distinguished over Gao.

Amended claim 29 is directed to a method for calculating the signal delay of a payload signal travelled through a communication channel and contains method limitations that parallel the apparatus limitations of claim 28. Claim 29 is clearly and patentably distinguished over Gao for at least the reasons discussed above in connection with claim 28.

New claims 36-41 depend from claim 28, and new claims 42-47 depend from claim 29. These claims are clearly patentable over Gao for at least the reasons discussed above in connection with claims 28 and 29.

### CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
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